1953 **File No.** BBA 1153

(34)

RHABC **DEPARTMENT**

BRANCH B **Class**

Subject:—

Karnatak

Bombay Building

(control on Erection)

Act 1948

Original file BBA 1153 I

B class Bombay

P-13

E

B Class

BBA 1153

Karnatak

File No.

Etd. Scott. Bhp. 24 A

HD 2922/S-V/26287

P.W.D.
"H"

Submitted with ref. to this Department u.c.r. at page ante.

2. Under the directions issued by the Home Department, vide G.E. H.D. No. 2922/S-Poll, dated the 14th June 1952 the D.M. Bijapur has issued a 'no objection certificate' ✓ permitting Shri B.L.Kardi to construct a permanent cinema theatre at Bijapur, provided no specified building materials as defined in Bombay Building (Control on Erection) Act, 1948, were used. Now Shri B.L.Kardi has applied for the use of cement, iron and bricks. The following quantities will be required by him for construction of the theatre.

Cement.	150 Tons.
Iron Bars.	5 Tons.
Iron Angles.	10 Tons
Bricks.	2 Lakhs.

Locally manufactured bricks are proposed to be used. Perhaps the construction of the theatre with the use of the above mentioned specified materials may be allowed.

Thro. Q Br.

Id.
11/3/53

Id M.A.J.
11/3/53

Q Br.

In his application, Shri Kardi has shown his willingness to use foreign cement. The supply position of indigenous cemen cement has also considerably impmoved. Moreover the quantity required is not much. The use of cement may, therefore, not be objected to. However, it may be pointed out that the presumption of Shri Kardi that Bhadravati Cement is not controlled, is incorrect. Bhadravati is one of the A.C.

Quantity is considerable
Id. N.K.D.

K.C 25/7

factories, and as such its products are also controlled.

As for the foreign cement, the State Government does not come in the picture, and the party will have to approach the Government of India for the necessary import licence. It may be brought to the notice of the applicant that there is no distribution control on the Dalmia Cement, which is available in the free market, and could be utilized in the construction.

Regarding iron bars, iron angles and tricks required in the construction, it may be stated that the cont control on the distribution of iron and steel of the abo ategories has recently been lifted and only price contr is now remaining. The materials can, therefore, be had in the open market, and there does not, therefore, seem to be any objection to their use. Re; bricks, there is no control on its distribution. The party proposes to use locally manufactured bricks.

The supply position of steel is not still satisfactory.
Id. O. S.P.

14/3/53

Margin

Id O.S.P.

Under Secretary

Permission may be refused.

Id. H.E.P.
23/3
Secretary

(Housing) 'A' is only possible.

Id. S.D.T.
31/3

.o.r. to Housing Department dated the
18th November 1953.

Copies from H.D. File No. 2922/Y/6/2039

H.D.Poll

Submitted with ref. to O.N. it. 19-5-53 and P.W.D. note it. 2-6-53.

2. The orders contained in secret letter No. 2922/5-Poll da the 31st December 1952 are only for the guidence of the D.Hs It is not necessary to endorse copies of this order to all Ex. Engrs as desired by the P.W.D.

3. We have already informed the D.M., Satara South that his recommendation to allow the prop. of the Banachand Chitra Mandir at Tasgaon to convert his theatre into a permanent one cannot be accepted vide G.L., H.D., No. 2922/5-Y-2039-Poll it., 30/5/53. The prop. of this theatre has now submitted a representation to Government stating that he has been operati his cinema at Tasgaon from 1/7/46. On 17/7/47 he was granted "no objection" certificate to construct a cinema theatre and on the strength of this certificate he started construction and completed nearly 3/4th of the work by 1948. On 10/12/48 he was directed by the Controller of Buildings Bombay, under instructions of the L.& H.D. to stop further construction. He states that as he was granted permission in 1947 by the D.M to construct the theatre he should be allowed to complete its construction. He has spent on it a considerable sum of money, in addition to Rs. 30,000 spent in purchasing the machinery.

4. The "no objection" certificate granted to the Prop. in 1947 is only in respect of the location of the theatre on the particular site, and is not a permit for the construction of the theatre. It was the L.& H.D. that was not agreable to allow the Prop. of this theatre to complete its constructio Secretary L. & H.D. had at that time noted that the half cons constructed building could be used as a godown. It is therefore for the P.W.D. to consider whether the Prop. should be allowed to complete the construction of the theatre. His representation may therefore be forwarded to that Department fo disposal after informing him accordingly. As regards 'A' of the representation, the P.W.D. is issuing necessary instruction to the Ex. Engrs. not to advise Props. of cinema theatres to convert yhr quasi- permonent theatres into permonent ones.

5. The population of Tasgaon is only 12,930 according to 195 census and according to the policy of Government it is too small a place for allowing a permanent theatre. Except for the applicant's quasipermanent theatre , there is no other theatre at that place.

The delay in the submission of this case is regretted.

Id/-
30/6/53

On the case P.W.D. had stated that building material is now easier--P.W.D. may see for remarks.

Id/-
1/7/53
D.S.

K.G.
25/7

U.O.R. to P.W.D., dated the 2nd July, 1953.

HD 2922/5/20185.

P.W.D.
'H'

Please see H.D. office note dated the 1st July 1953.

2. Th construction work of Panenchand Chitra Mandir Tasgaon was started on 1/12/47 lintel level on 1st February 1948 when the work was and it reached the stopped for want of building materials. The only work carried out during the enforcement of the Bombay Building (C on E) Act, 1948, was the construction of R.S.C. lintels over doors and windows. 45% of the work was completed by the party. After considering the case, the Controller of Buildings, Bombay, was instructed under G.M. Labour Department No. 53/48/22585 F dated the 29th July 1949 not to issue any permit for the completion of the construction work of the cinema theatre.

3. The Proprietor of Panenchand Chitra Mandir, ~~Tasgaon~~ Tasgaon, again approached the D.M. Satara South in ~~29~~ 1951 for permission to complete the construction work The D.M. recommended the application on the grounds ~~that~~ that the remaining work would be completed without ~~any~~ fresh iron or steel or cement. That the incomplete building would be of no use and that ~~the~~ of the two theatres at Tasgaon the Panenchand Chitra Mandir would be the only permanent cinema theatre. The D.M. after careful consideration, was informed under G.M. L.& H.D., No. 53/48/24039-F dated the 7th July 1952 that no remission of the orders issued in G.M Leb. Department No. 53/48/22585-F. dated the 29th July 1949 was called for.

4. Please see the letter from the Proprietor, Panenchand Chitra Mandir, Tasgaon, addressed to the Secretary, H. D., on page 9/n Shri G.M.Shah, the Proprietor, has requested Government to grant him the necessary permit to complete the construction work on the following grounds:-

(1) that he had obtained a No. objection certificate from the D.M. Satara (North) and that he had obtained the permission of the Tasgaon Municipality and had got his plans approved by the Executive Engineer,

(2) that 3/4th of the construction work was completed by 1948.

(3) that he had obtained the necessary permission of the D.M. Municipality and the Ex. Engr., and had started construction work before the Bombay Building (Control on Erection) ordinance, 1948 came into force.

(4) that he has
and that the uncompleted building is deteriorating with the passing of time.

(5) that as advised by the Ex. Engr., Kolhapur Dn Kolhapur, he is willing to convert his present quasiper manent theatre into a permanent one.

~~(6)xxxxxx~~

As for the 'No objection' certificate granted by the D.M. to the Proprietor, the H.D. has pointed out

that it is only in respect of thelocation of the theatre on the particular site and that it is not a permit for the construction of thetheatre. As for para 4(5) above it may be stated that the duties of the Ex. Engrs. are only to certify whether the structures are fit or unfit for use as cinema theatres. The action taken by the Ex. Engr. in going out of his way to advise the Proprietor to convert his quasi permanent theatre into a permanent one is, therefore, uncalled for. This Department has taken necessary action separately as requested by t the H.D. at 'C' on page 4 ante. The party has not given new facts which would warrant reconsideration of his case. It does not therefore seem necessary to revise Governmen orders in the matter. The Housing Department may inform the party accordingly. These papers will be returned to the H.D. after keeping copies of papers 7, 8, 9, 10 and 11 ante.

Id/-
27/7/53

Through @ Br.

As regards D.S. H.D.'s note at page 6 ante it may be stated that though supply position of certain categories of steel is comparatively easy, steel is not generally released for construction of theatres in view of the more urgent demands like housing

Id/-
30/7/53

Id/- G.S.P.(adval)
30/7/53

U.S.

Para 5 on page 8 be seen. There is no need to permit a permanent building. Cement is not easy yet. and steel has more urgent uses.

Id/- NKx N.K.D(ravid)
31/7/53

Secretary.

Id/- G.D.T(apase)
3/8/53 M(Housing)

U.o.r. to Housing Department,
dated the 6th August 1953.

K.G.
25/7

Secrete

No. C/17 of 1953.

Dhulia, the 25th June, 1953

To

The Secretary to Government,
Home Department (Political),
Bombay.

Subject:- Permission to use cement and bricks for the construction of a cinema theatre by Shri Fulchand Pannalal Agarwal.

Ref:- Home Department (Political) letter No. 2922/5-E-Poll, dated the 10th April 1953.

2. On enquiry it is found that Shri Agrawal obtained the building materials as shown below:-

S. No.	Material	Source from which obtained	When it was enquired
1.	Cement	Aspi & Co., Bombay	30/8/1949
2.	Asbestos cement sheets	'H' Hulchand & Co. Bombay	6/1/1950
3.	Iron-Steel Iron Sheets	Godown at Kasgeon E.K. dismantled and brought to Dhulia.	The applicant ex owned Godowns a at the village Kasgeon E.K. The material ~~se~~ was brought to Dhulia about ~~a~~ a year ago.
4.	Bricks	Prepared at the local brick kilns.	Some 8 months back.

3. Under Government Home Department letter No. 2922/5-E-P~~E~~ Poll, dated 19/9/1950, Government had refused permission for the construction of a cinema theatre by Shri F.P.Agarwal When the applicant again approached the District Magistrate in the circumstances explained in this office letter No. C.O. I 1857, dated 11/7/1952, Government orders were solicited in the above letter whether Government would like to reconsider his case. By letter, dated the 18th Nov. 1952, Government allowed Shri Agrawal to complete the buildi~~x~~ing but without releasing the controlled building materials In view of the~~s~~ these orders, the fact that Shri

that Shri Agarawal has building materials in stock ~~of xxxx~~ ~~xxx~~ with him was reported to Government under my letter No. C/17 of 1953, dated the 3rd March 1953.

Sd/-
District Magistrate,
East Khandesh.

Secrete

No. C/17 of 1953

Dhulia, 3rd March 1953.

To

The Secretary to Government,
Home Department (Political)
Bombay.

Subject:- Permission to use cement and bricks for the proposed theatre at Dhulia.

Reference:- Home Department (Political) letter No. 2922/5-W Poll dated the 18th November 1952.

2. In the above letter, Government have directed that the theatre in question may be allowed to be completed, but without specifically releasing the controlled building materials Under the Bombay Building (Control on Erection) Act, 1948 permission is required from the Controller for using building materials such as bricks, cement, asbestos cement sheets, iron and steel for the construction of a cinema theatre. The D.M. has been appointed as Controller under the above Act under Labour and Housing Department Notification No. 53 /48 (b) dated the 13th May 1950 The applicant Shri Fulchand Pannalal has applied to me for permission to use the above articles for the construction of his cinema theatre inmy capa city as Controller. I have not decided his application yet. The applicant has specifically stated in his application that building materials viz. cement, iron and steel etc. are already in stock with him and that he is not going to obtain thes e materials from the market but that he wants only permission to use the same in the construction of his

theatre, under the provisions contained in the Bombay Building (Control on Erection) Act. In order to verify the applicant's statement, I had asked the Sub-Divisional Magistrate, Dhulia city to inspect the stock of these materials with the applicant. On inspection, the sub-divisional Magistrate, Dhulia City found the following stock with the applicant:

Material	Quantity
1) Bricks.	50,000 approximately
2) Cement	190 bags
3) Asbestos Cement Sheets	20 tons approximately
4) Iron and Steel	30 tons -do-

The Sub-divisional Magistrate who had inspected this.... stock along with the Deputy Engineer states that the materials in stock with the applicant as above will be enough for the construction of the theatre.

In the circumstances explained above, I so licit Government orders whether there is any objection to the applicant using the building materials as above for the construction of his theatre.

His applications, dated 2nd July 1952 and 16th July 1952 on the matter are sent herewith for the perusal of Government.

Sd/-
District Magistrate,
West Khandesh.

H.D. 2922/5/82972

P.W.D.
H

Submitted with reference to this Department O.N. dated the 4th April 1953.

2. Please see this Department o.n. dated the 23rd October 1952 the Secretary, P.W.D.'s M(Housing)'s and Secretary H.D.'s notes there under and H.D. o.n. dated the 18th March 1953 Government permitted Shri Fulchand Pannalal Agarwal of Dhulia to complete the cinema theatre building on the condition that no specified building materials would be released for this work The Collector now states that Shri Agarwal intends to use the specified building materials mentioned at 'A' on page 14 c/s in ~~building materials mentioned~~ the constructed of his cinema theatre. These materials are lying with the applicant nd the sources from which they were obtained by him are hgive at 'B' on page 21 c/s.

3. Government may not object to the use of iron and steel by Shri Agrawal as the same seems to be second hand and brought from his dismantled godown. As for cement, Shri Agrawal has already got about 9½ tons cement with him. His total requirements of cement seems to be 20 tons of cement and it is not known how he proposes to get the remaining 10½ tons of cement. However, in view of Secretary's note dated the 24th October 1952 it is for orders whether Shri Agrawal should be allowed to use the specified building materials lying with him in the construction work of his cinema theatre.

(The steel he proposes to use is second hand steel)

Through C Br.

Id/- G.S. Padwal.

As at 'A'

Id/- N.K.Dravid
21/8

P.W.D.
H

Resubmitted with refce. to o/n over leaf.

2. These papers may be returned u.o. to the H.D. for necessary further action after retaining copies of page ante and of page c/a

HD 2982/5/4779/53543

P.W.D.
H

Submitted.

2. Please see this Department o.n. dated the 23rd Oct. 1952 and the Secretary, P.W.D. H(Housing) and Secretary, H.D notings thereunder. Please also see H.D. o/n dated the 18th March 1953.

3. Shri Jaichand Jennalal Agarwal of Chalia intends to use the specified building materials, mentioned on page 14 c/a in the construction of his cinema theatre. For this he has asked the D.M. and the Controlle of Buildings, E.K.'s permission as required under the Bombay Building. (Control on Erection) Act, 1948. The D.M., E.K. has, therefore requested Government to allow Shri Agarwal to use the specified materials in the construction of his cinema theatre. The D.M. also states that these materials are lying with the applicant so that the letter wants only his permission to use them in the construction work.

4. It is not clear from these papers as to whence Shri Agarwal obtained such big quantities of specified building materials. It also appears that the D.M. E.K. has reported this fact. On the first time to Government under his letter dated the 3rd March 1953. The H.D. may therefore be requested requested u.o. kindly to ascertain from the D.M. E.K. the source from which Shri Agarwal obtained these materials and when they were acquired. The D.M. may also be requested to state that if these materials were in stock with the applicant, as reported by him in his letter, dated the 3rd March 1953, why this fact was not reported earlier to Govern-

Government by him.

Id/- G.S.Padwal.

u.o.r. to H.D. dated the 6th July 1953

H. D. (Pou)

Submitted with reice. to o.n. dated the 17th March 1953.

2. In view of the P.W.D's above note, the draft letter to the D.M. W.K. putup at page 15 c/s may issue.

Id/-

BBA 1153/108406

P.W.D.
'H'

Please see the letter from the Controller of Buildings and Controller of Iron and Steel and Cement, Bombay, on page c/s

2. The Controller states that M/s New Model Talkies, Kurla, have applied to his office, through their Architect M/s R.J.Hingorany and Co., for permission under the Bombay Building (Control on Erection) Act , 1948, to construct a rewinding room and to provide R.C.C. slab over the projection Room. The specified Building material required for this work are as follows:

Cement	2 tons.
Steel	2 Cwts.
Bricks	1000 brick

The Controller adds that as the additions and alternations to the New Model Talkies are required to be carried out at the instance of Bombay Municipal Corporation (Fire Brigade Department) for the prevention of fire spreading out and as the quantities of specified building materials required for the work are small, permission under the Bombay Building (Control on Erection) Act, 1948, may be granted to the party.

3. Attention in this connection is invited to O.M. dated the 24th March 1953. It will be seen therefrom that necessary permission under the Bombay Building (Control on Erection) Act, 1948, was granted to Shem Sunder Talkies Khandup, to carry out additions and alternations as the same were necessitated to conform with the requirements of Bombay Municipal Corporation. The specified building materials required in that case were as under:

Bricks	21,000
Cement	65.5 tons
Steel	.5 ton
A.C. Sheets	500 sq. ft.

4. In the circumstances stated above, permission under the Bombay Building (Control on Erection) Act, 1948 may be given to M/s New Model Talkies to carry out the additions and alternations with the use of the specified building materials mentioned in para 2 above, as the same are necessary to conform with the requirements of Bombay Municipal Corporation and as the for the work is small.

quantity of specified bldg. materials required.

Thrd. & Dr.

Id/-
23/9/53

The requirements of steel and cement as seen from para 2 on page 1 are small.
The work moreover is required to be done for compliance of Municipal requirements. Permission therefore may be given in this case.

Id/-
26/9

Id/-
29/9

Id/-
3/10